1[St.] African National.

FINAL DRAFT.

855 Kalamazoo Ave. S.E.

Grand Rapids, Michigan 49507-1379.

616-500-4316.

IMPERIOSIS OMNI IMPETUS.

To: The United States District Court.

Attention: To The Honorable Janet T. Neff P-18210.

399 Federal Building.

110 Michigan Ave N.W.

Grand Rapids, Michigan 49503.

616-456-2381.

CASE: 1:21-CV-00078 JTN-PJG. **NOTICE TO APPEAL**.

CORRECTION TO STATE "NON-PUBLIC REGISTRATION".

OFFICIAL ARUGUMENT TO THE LOCAL RULES OF JANET T. NEFF.

Smith v. McCormack, Case No. 1:21-cv-78, 2 (W.D. Mich. Feb. 11, 2021) ("As the Supreme Court has held, to avoid dismissal, a complaint must contain "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v*. *Iqbal*, 556 U.S. 662, 677-78 (2009). This plausibility standard "is not akin to a 'probability requirement,' but it asks for more than a sheer possibility that a defendant has acted unlawfully." If the complaint simply pleads facts that are "merely consistent with" a defendant's liability, it "stops short of the line between possibility and plausibility of 'entitlement to relief.'" *Ibid*.")

Smith v. McCormack, Case No. 1:21-cv-78, 2 (W.D. Mich. Feb. 11, 2021) ("While Plaintiff's complaint is largely unintelligible – PLAINTIFF IN RE WAS NOT AWARE OF THE MIS STATEMENT OF (NON-PUBLIC REGISTRATION), a reference therein to a previous matter initiated by Plaintiff provides a clue as to the nature of the present action. In *Smith v. Buth*, 1:16-cv-1381 (W.D. Mich.), Plaintiff alleged judicial misconduct against a state court judge following his decision to plead guilty to fourth degree criminal sexual conduct. *Id*. at ECF No. 1, 26. This prior matter was dismissed for failure to state a claim. *Id*. at ECF No. 19.")

WHEREAS: The Honorable Paul Maloney indicated, Clearly "That I state a claim to where his court has Subject-Matter Jurisdiction – "ORIGINAL JURISDICTION AS DID THE HONRABLE JANET T. NEFF".

IN RE: CONTEMPT PROCEEDING 30TH CIRCUIT COURT (INGHAM COUNTY).

USD CASE NO.: 1:21-CV-00078.

LOC RULE 2.3 (e) – JANET NEFF.

1. Discipline for unprofessional and improper conduct - If it appears to a Judge of this court that an attorney practicing before the court has violated the rules of professional conduct or is guilty of other conduct unbecoming an officer of the court, any judge may: 1) refer the matter to the Chief Judge of the district who shall determine whether the attorney should be disciplined or alternatively refer the matter to a three-judge panel or 2) for discipline, except suspension or disbarment, order an attorney to show cause—within a specified time—why the court should not discipline the attorney. Upon the expiration of the period specified or upon the attorney's response to the show cause order, the court will enter an appropriate order. Upon the entry of an order for discipline, the attorney may seek review from the Chief Judge of the order for discipline. Alternatively, the Chief Judge may refer the matter to a three-judge panel for decision.
2. Discipline for contempt - Disbarment from the court may be utilized as a sanction NOT LESS TO MCR 6.201 (J) for contempt of court under the procedures contained in Rule 42 of the Federal Rules of Criminal Procedure. **Nothing in this rule shall limit the court's power to punish contempt.**

For these reasons, the report and recommendation (ECF No. 13) is **ADOPTED IN PART**. The Court concludes that ***Smith has stated a claim over which this Court has subject-matter jurisdiction***. Smith alleges violations of his rights protected by the constitution. Nevertheless, this Court must dismiss the lawsuit. Smith has failed to state a claim for which this Court can grant relief. This Court does not supervise state court proceedings and this Court has no authority to order state court judges to perform their duties. To the extent Smith's claims against Judge Buth arise from the manner in which the criminal action was conducted, Buth is entitled to judicial immunity.

Smith v. Buth, No. 1:16-cv-1381, 3-4 (W.D. Mich. Jan. 25, 2017)

28 USC 1631 in the Michigan Supreme Court was a Motion to Transfer to Cure want of Subject-Matter Jurisdiction; or, as it would translate to the State Court: A want of Superintending Control. The court and Mr. Green especially refuse to interoperate the litigation as such but rather identify it as unintelligible which was ***a DIRECT INSULT to the PLAINTIFF IN RE.***

The Honorable Magistrate Judge Phillip Green is aware that this is an action for a BREACH IN THE 17TH JUDICIAL CIRCUIT SENTENCING PLEA AGREEMENT; to which the 17TH Judicial Circuit Court transcript has been entered into evidence and the Affidavit from FEDEX AIR which clearly proves to be a Breach in the Plea Agreement.. Your Honor, how do you understand a **BREACH OF CONTRACT. A Breach of Contract is a Breach of Contract.**

The reason I have brought this action to Federal Court is of the Amount of relief since the State has ignored ITS OWN BREACH OF CONTRACT. Why would I not bring this to the Federal Courts for a Transfer of Superintending Control or Writ of Mandamus when this obvious and intentional infringement remains in force unless the Federal Jurisdiction as I understood it is handed down to the State to enforce your honor? How have we gotten away from this your honor?

You remark my pleadings as unintelligible – which is your way of circumventing your OATH to remain respectful and actually call me (Unintelligent and submitting frivolous pleadings just because I am not a Professional Counselor yet alone being a black African American, giving yourself automatic CLEARANCE TO NOT HAVE ANY REQUIREMENT TO TAKE MY PLEADINGS SERIOUSLY WHEN I AM TRYING TO FIGHT FOR MY LIFE FOR THE PAST 5 YEARS!!!!!!!!!! Judicial misconduct has been proven by the adoption of USD CASE NO.: 1:16-CV-1381 under Subject-Matter Jurisdiction or Superintending Control. ADOPTED IN PART.

The plaintiff maintains its original request for relief and demand a jury trial.

Respectfully submitted:

28 U.S.C. 1361 - Action to compel an officer of the United States to perform his duty

This includes all JURISDICTIONAL BOUNDRIES WITHIN THE UNITED STATES ASIDE A SEPERATION OF POWERS: 28 USC (1367) (1331) – POISED FOR A FEDERAL QUESTION.

28 U.S. Code § 1367 - Supplemental Jurisdiction

United States Circuit Court of Appeals.

Potter Stewart U.S. Courthouse.

540 Potter Stewart U.S.Courthouse 100 E. Fifth Street Cincinnati, Ohio 45202-3988

28 U.S. Code § 1367 - Supplemental Jurisdiction

U.S. District Case No.: 1:21-CV-00078.

The Honorable: Janet T Neff. P-18210.

MOTION FOR CHANGE OF VENUE.

REQUEST FOR PRE-MOTION CONFERENCE.

IN RE: STACEY R SMITH

28 U.S. Code § 1367 - Supplemental Jurisdiction

INCONJUNCTION TO – IN RE CONTEMPT PROCEEDING.

PLAINTIFF IN RE,

U.S. CIRCUIT COURT OF APPEALS.

U.S. DISTRICT CASE NO.: 1:21-CV-00078

V. HONORABLE: JANET T. NEFF. P-18210.

IN RE CONTEMPT PROCEEDING IN THE 30TH JUDICIAL CIRCUIT COURT. MCR 3.306, 3.305, 3.302 MCL 600.1701 AND 600.4401 (1). (INGHAM COUNTY) – MCR 3.606 , 3.305, 3.302.

CHIEF JUSTICE BRIDGET MC CORMACK VENUE CHANGE TO:

MICHIGAN SUPREME COURT 30TH CIRCUIT COURT

(INGHAM) – LANSING MCR 3.305 & 3.302

(FEDERAL RULES OF CIVIL PROCEDURE).

& REQUEST FOR PRE-MOTION CONFERENCE.

28 U.S.C. 1361 & 1631.

MCR 3.606 MCL 600.4401 (1)

LEAD PROSECUTOR CHRISTOPHER R. BECKER

HON. GEORGE S. BUTH STIPULATION OF PROPOSED ORDER IN

SUPPORT FOR SUMMARY JUDGMENT.

DEFENSE COUNSEL JOHN R.BEASON : MOTION FOR STAY IN USCCA; SIXTH CIRCUIT.

DEFAULT JUDGMENT REQUEST.

17TH CIRCUIT CHIEF JUDGE MARK A TRUSOCK RULE 24 – (INTERVENTION).

DEFENDANTS

____/

APRIL 10, 2021 ANNO DOMINI. Joint Status Report Requested.

Thank you for your time and best regards:

Sincerely yours,

/s/ H.M. STACEY R. SMITH.

Chief Executive Officer.

1ST. AFRICAN NATIONAL & CO.

COURT RULES OF THE HONORABLE JANET T. NEFF P